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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,794	02/21/2002	Peter J. Fritz	54666US006	4815

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EXAMINER

ELEY, TIMOTHY V

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,794

Applicant(s)

FRITZ ET AL.

Examiner

Timothy V Eley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-52 is/are pending in the application.
- 4a) Of the above claim(s) 41 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-40 and 43-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/29/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species I in the reply filed on June 17, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 31-40, and 43-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. "the surface treating member"(claim 31, lines 7 and 8) lacks proper antecedent basis since it was not properly earlier recited in the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 43-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al(3,562,968) in view of either Doyle et al(4,599,768) or Gugle et al(4,636,124).

a. Johnson et al discloses a method for attaching a fastener 40 to a surface conditioning member. See figures 1 and 2.

b. Johnson et al does not disclose that the fastener is attached to the member by inducing relative rotation between the fastener and the surface conditioning member with a layer of thermoplastic adhesive in contact with a planar surface of the fastener and the surface conditioning member so as to soften the layer of adhesive to form a bond between the fastener and the surface conditioning member; and thereafter stopping the relative rotation between the fastener and the surface conditioning member.

c. However, both Doyle et al and Gugle et al disclose a method of attaching a fastener to a member by inducing relative rotation between the fastener and the member with a layer of adhesive in contact with a planar surface of the fastener and the member so as to soften the layer of adhesive to form a bond between the fastener and the member; and b) thereafter stopping the relative rotation between the fastener and the member. See figure 2 and

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column 2, lines 53-60 of Doyle et al; and figure 1, the abstract, and column 2, lines 11-35 of Gugle et al.

d. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method of Johnson et al by inducing relative rotation between the fastener and the surface conditioning member with a layer adhesive in contact with a planar surface of the fastener and the surface conditioning member so as to soften the layer of adhesive to form a bond between the fastener and the surface conditioning member; and thereafter stopping the relative rotation between the fastener and the surface conditioning member in order to provide a more secure connection between the fastener and the surface conditioning member as taught by either Doyle et al or Gugle et al, each considered independently.

e. Regarding claims 32-34, and 50, the exact type, amount and shape of the adhesive would have been obvious to one having ordinary skill in the art at the time the invention was made since the strength of bond desired would depend upon the exact type, amount and shape of the adhesive.

f. Regarding claims 39 and 40, the exact material of the fastener would have been obvious to one having ordinary skill in the art at the time the invention was made, and since the use of a thermoplastic material (such as nylon) could reduce the weight and cost of the surface treating article.

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g. Regarding claim 45, the screw threads may function as the drive member.

h. Regarding claims 46 and 47, the exact relative rotation, and the exact compressive force would have been obvious to one having ordinary skill in the art at the time the invention was made since such would depend upon numerous factors, i.e., the exact material of the adhesive and/or the fastener, the shape of the adhesive, etc.

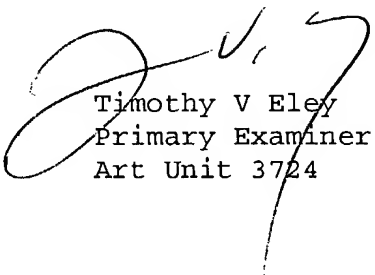
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V Eley whose telephone number is 703-308-1824. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy V Eley
Primary Examiner
Art Unit 3724

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